REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 have been rejected.

Claims 1, 7 and 13 have been amended as set forth herein.

Claims 1-24 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. NON-STATUTORY SUBJECT MATTER – 35 U.S.C. § 101:

Claims 1-24 were rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. This rejection is respectfully traversed.

The Examiner asserted that, under the Examiner's reading of the Specification, the claim limitation "a plurality of objects executable by processing circuitry associated with said first object-oriented telecommunication device" was directed to software *per se*. In response, the Applicants have amended the independent claims to recite "processing circuitry executing a plurality of objects, said processing circuitry associated with said first object-oriented telecommunication device." As such, the amended claims recite processing circuitry, which the Applicants respectfully submit is a statutory category of invention.

Accordingly, the Applicants respectfully request that the Examiner to withdraw the rejection under 35 U.S.C. § 101.

II. CLAIM REJECTIONS -- 35 U.S.C. § 103

Claims 1-6 and 13-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0069955 to *Gieseke et al.*, hereinafter "Gieseke" in view of U.S. Patent No. 7,433,941 to *Lavian et al.*, hereinafter "Lavian", and in view of Applicants' own Admitted Prior-Art, hereinafter "AAPA". Claims 7-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gieseke reference and in view of AAPA. The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a prima facie case of obviousness. MPEP § 2142, p. 2100-133 (8th ed. rev. 4, October 2005). Absent such a prima facie case, the applicants are under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicants' disclosure. *Id.*

Claims 1 and 13

Amended independent Claim 1 recites:

> 1. For use in a communication network, a first object-oriented telecommunication device capable of communicating with a second object-oriented telecommunication device in said communication network, said first object-oriented telecommunication device comprising:
>
> processing circuitry executing a plurality of objects, said processing circuitry associated with said first object-oriented telecommunication device; and
>
> an object conduit management information base (MIB) manager capable of gathering data from one or more of said plurality of objects and generating therefrom a management information base (MIB) data structure representing a plurality of objects in said second object-oriented telecommunication device, the MIB data structure suitable for communicating with said second object-oriented telecommunication device using a specified protocol interface,
>
> wherein a first object of said plurality of objects is capable of invoking a method of a second object executable by processing circuitry associated with said second object-oriented telecommunication device using said MIB data structure.

The Applicants respectfully submit that the cited references, alone or in any combination, do not describe an object-oriented telecommunication device as recited in Claim 1.

In Section 9 of the Office Action dated January 7, 2009, in the first full paragraph on page 5, the Examiner appears to mischaracterize the language of Claim 1. The Examiner asserts that Gieseke describes "representing a plurality of objects in said object-oriented telecommunication device." The actual claim language is "representing a plurality of objects in said second object-oriented telecommunication device." The omitted word is important, because the claim recites a MIB data structure in a first object-oriented telecommunication device that represents a plurality of objects in a second object-oriented telecommunication device.

Gieseke does not describe such a MIB data structure. Instead, Gieseke describes a network element that includes SNMP agent having an object model of components of the network element itself. *See Gieseke, [0042], [0044] and [0045].* The Applicants submit that Gieseke does not describe a network element that includes a MIB data structure representing objects in another network element, as recited in Claim 1.

The Applicants respectfully submit that Lavian and AAPA do nothing to overcome the shortcomings of Gieseke. Therefore, Gieseke, Lavian and AAPA, alone or in any combination, do not describe all the elements of Claim 1.

For at least these reasons, Claim 1 is patentable over the cited references. Claim 13 recites limitations analogous to the novel and non-obvious limitations emphasized in traversing the rejection of Claim 1 and, therefore, also is patentable over the cited references. Claims 2-6 and 14-24 depend from Claims 1 and 13, respectively, and include all the limitations of their respective base claims. As such, Claims 2-6 and 14-24 also are patentable over the cited references.

Claim 7

In rejecting Claim 7, the Examiner cites the following paragraphs of Gieseke, reproduced here (with line breaks preserved from the original):

> [0011] In one embodiment, an object model includes, a plurality of objects, the plurality of objects adapted to contain configuration information and data for a simple network management (SNMP) agent.
>
> [0012] In another embodiment, a computer-usable medium has computer readable instructions stored thereon for execution by a processor to perform a method. The

> method includes receiving configuration input, representing the received configuration input in object instances of a number of objects, the objects together forming an object model, and configuring an associated system.
>
> [0042] FIG. 1A is a simplified diagram of a network element 100. The network element 100 contains components 102 that are managed by a SNMP agent embodiment of the present invention. The network element 100 is coupled to one or more upstream networks 104, and one or more optional downstream networks 106. Other network connections and arrangements of the network element are possible. It is noted that SNMP agent embodiments of the present invention can manage other systems in addition to the detailed network element 100.

The Examiner explains the rejection in the following way:

> an object conduit management information base (MIB) manager (0042, lines 1-10, where the SNMP Agent or the configuration server both perform the tasks of the conduit MIB i.e. gathering, parsing, mapping, and conveying data from MIB objects and transferring the data to another MIB object) capable of receiving a management information base (MIB) data structure from said object-oriented telecommunication device using a specified protocol interface (0011, lines 1-6, where the responding is the communicating with the first device. Furthermore, it is inherent that there will be a specific protocol for use in a network), extracting data from said received MIB data structure (0042, lines 10-15), and distributing said extracted data to one or more of said plurality of objects (0012, lines 1-11).

First, as may be seen above, paragraph [0042] includes no teaching that "the SNMP Agent or the configuration server both perform the tasks of the conduit MIB i.e. gathering, parsing, mapping, and conveying data from MIB objects and transferring the data to another MIB object," as asserted by the Examiner. If such teaching is to be found in Gieseke, it must be in a portion of the reference not cited by the Examiner.

Second, as may be seen above, paragraph [0011] includes no teaching of a response, much less "where the responding is the communicating with the first device," as asserted by the Examiner. If such teaching is to be found in Gieseke, it must be in a portion of the reference not cited by the Examiner.

Third, the Examiner asserts that paragraph [0042], lines 10-15, describe extracting data from a received MIB data structure. As may be seen above, paragraph [0042] has only ten lines.

Fourth, as may be seen above, paragraph [0012] includes no teaching of distributing extracted data to one or more of said plurality of objects, as asserted by the Examiner. If such teaching is to be found in Gieseke, it must be in a portion of the reference not cited by the Examiner.

In summary, the Applicants respectfully submit that the Examiner has not shown where Gieseke describes these elements of Claim 7 and, therefore, has not established a *prima facie* case of obviousness. The Applicants respectfully request that the Examiner show more clearly and specifically where Gieseke describes these elements of Claim 7 so that the Applicants may traverse the rejection more clearly.

Accordingly, the Applicants respectfully request that the Examiner withdraw the § 103 rejections with respect to Claims 1-24.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully requests an early allowance of such claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at ***jmockler@munckcarter.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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